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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/831,073

05/03/2001

Petr Peterka

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8217

7590

04/08/2005

Barry R Lipsitz
755 Main Street Building No 8
Monroe, CT 06468

EXAMINER

RAMAN, USHA

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,073

Applicant(s)

PETERKA ET AL.

Examiner

Usha Raman

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7-12-01, 5-17-04, 10-6-04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Information Disclosure Statement

1. The information disclosure statement filed July 12th, 2001 fails to comply with the provisions of 37 CFR 1.97, 1.98(a)(3)(ii) and MPEP § 609 because no English translation has been provided for NPL Hartwig, "Softwarearchitekturen Für Interaktive Digitale Decoder". It has been placed in the application file, but the information referred to therein has not been considered as to the merits.

Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 is rendered indefinite because the scope is not ascertainable as it depends on claim 16.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 4, and 9-10 are rejected under 35 U.S.C. 102(a) as being anticipated by Killian (EP 0854645 A2).

In regards to claims 4 and 9, Killian discloses a television set top terminal (receiver 10) comprising:

A computer readable medium having computer program code means (running a java based platform for running downloaded or locally installed APIs, see column 3, lines 32-53, column 10, lines 12-18) comprising:

Means for executing said computer program code means (platform 12 executing on one or more processors 8, see column 3, lines 10-12) to implement an API for accessing user related information at the terminal, wherein, the API provides:

(a) A user registry of a plurality of users of the terminal (prompt for viewer entry and constructing/modify a viewer profile thereafter. See column 10, lines 52-58, and column 11, lines 1-3),

(b) A preference registry of preferences of the users (maintaining viewer preferences in viewer profiles. See column 9, lines 15-21, column 11, lines 15-22, column 12, lines 57-58, and column 13, lines 1-6).

(c) Permission for controlling the user's access to at least one application that is provided at the terminal (viewer profiles further contain permissions in order to assess what applications and how much time a person is entitled to use a particular resource. See column 20, lines 26-34 and column 22, claim 8).

Furthermore, Killian also discloses setting up initial user preferences with templates. The template provides system wide preferences generated by the API that further allows the user to customize in accordance with their own preferences. Furthermore, because template is available to all users during initial setup, it is also the default user preference available to all the users of the system initially. See column 11, lines 15-33.

With regards to claim 10, the user overrides the template profile settings (i.e. the system wide preferences) by selecting/modifying characteristics that pertain to the user's own preference. The modified user profile is stored and used when the system identifies the user next.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6, 8, and 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killian (EP 0854645 A2) in view of Evain (The Multimedia Home Platform: An Overview).

In regards to claims 1, 17 and 18, Killian discloses a television set top terminal (receiver 10) comprising:

A computer readable medium having computer program code means (running a java based platform for running downloaded or locally installed APIs, see column 3, lines 32-53, column 10, lines 12-18) comprising:

Means for executing said computer program code means (platform 12 executing on one or more processors 8, see column 3, lines 10-12) to implement an API for accessing user related information at the terminal, wherein, the API provides:

(a) A user registry of a plurality of users of the terminal (prompt for viewer entry and constructing/modify a viewer profile thereafter. See column 10, lines 52-58, column 11, lines 1-3),

(b) A preference registry of preferences of the users (maintaining viewer preferences in viewer profiles. See column 9, lines 15-21, column 11, lines 15-22, column 12, lines 57-58, and column 13, lines 1-6).

(c) Permission for controlling the user's access to at least one application that is provided at the terminal (viewer profiles further contain permissions in order to assess what applications and how much time a person is entitled to use a particular resource. See column 20, lines 26-34 and column 22, claim 8). Killian does not disclose that the API provides a security policy to allow only specified applications to access the preferences registry.

Evain discloses the security requirement for API for addressing issues such as protection against unauthorized data access. See page 8, "Security Functions" section.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Killian to adopt security policy that protect unauthorized access (i.e. only authorized applications have access) to private data such as user preferences, thus protecting sensitive data pertaining to user preferences.

In regards to claim 2, the modified system does not comprise a user controlled security policy. Killian however, discloses that a viewer can modify various preferences in the viewer profile (see column 16, lines 45-48). Therefore it would have been obvious to allow the viewer to modify the security policy preference, thereby allowing the viewer to control the security policy according to a desired level of security.

In regards to claim 3, the modified system discloses access control on viewing habits for users such as children of a household. See column 17, lines 43-column 15, lines 9. The system therefore employs a permission level for different viewers in order to enable the correct level access control for that viewer (for example, permission level in a child's profile will prevent the child from accessing horror programs).

In regards to claim 5, the modified system teaches customizing interactive television programming according to viewer preferences. See abstract, column 5, lines 18-26, and column 9, lines 17-21.

In regards to claim 6, the permissions control user's access to a plurality of applications that are provided at the terminal (for example, prevent a child from seeing undesirable content). See column 20, lines 26-33, column 22, claim 8, column 17, lines 43-column 18, line 3.

In regards to claim 8, the modified system discloses the method of access prevention of inappropriate or undesirable content for audience such as children. Killian however only discloses using information such as genre (e.g. Horror) to prevent access to undesirable content. Examiner takes official notice that it is well known to indicate a ratings parameter to indicate an access level for an audience (for example a PG rating for children). It would have been obvious to one of ordinary skill in the art to further modify the invention to indicate a ratings preference in the viewer profile in order to indicate an access level for the user. By indicating a rating information, a ratings "ceiling" is provided such that all programs that are less severe than a PG rating is acceptable for viewing and all that are higher than the PG rating may not be suitable for viewing.

In regards to claims 11 and 13, Killian discloses creating a new user profile as well as deleting a user profile from the profile database. See column 11, lines 7-10. User registry registers a new user of the terminal.

In regards to claim 12, the modified system identifies the current user according to the viewer identity received from the viewer. See column 10, lines 52-55.

In regards to claim 14, the modified system discloses access control for accessing resources of the terminal (for example, a time limit "resource" for children to watch a program. See column 18, lines 5-9.) . The permissions in the viewer profile therefore limits access the television for that duration.

In regards to claim 15 and 16, Killian discloses that preference options given to the viewer in connection to user profile templates correspond to program listing information currently contained in the database or some time in the future. See column 11, lines 54-column 12, line 2. Therefore, the API is adapted to define at least one new type of user preference (i.e. a new option) corresponding to a new program listing information and associate the new type of user preference with the users.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Killian (EP 0854645 A2) in view of Rey (EP 0944257 A1).

In regards to claim 7, Killian discloses a television set top terminal (receiver 10) comprising:

A computer readable medium having computer program code means (running a java based platform for running downloaded or locally installed APIs, see column 3, lines 32-53, column 10, lines 12-18) comprising:

Means for executing said computer program code means (platform 12 executing on one or more processors 8, see column 3, lines 10-12) to implement an API for accessing user related information at the terminal, wherein, the API provides:

(a) A user registry of a plurality of users of the terminal (prompt for viewer entry and constructing/modify a viewer profile thereafter. See column 10, lines 52-58, column 11, lines 1-3),

(b) A preference registry of preferences of the users (maintaining viewer preferences in viewer profiles. See column 9, lines 15-21, column 11, lines 15-22, column 12, lines 57-58, and column 13, lines 1-6).

(c) Permission for controlling the user's access to at least one application that is provided at the terminal (viewer profiles further contain permissions in order to assess what applications and how much time a person is entitled to use a particular resource. See column 20, lines 26-34 and column 22, claim 8).

Killian does not disclose that the viewer profile contains a language preference.

Rey discloses recording a language preference in the viewer profile for subsequent display various GUI features in that language. See column 2, lines 20-26.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Killian in view of Rey's teachings by

indicating a language preference with the viewer, in order to present various programming options and menu to the user in the user preferred language.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (571) 272-7375. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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